

R E M A R K S

This is in response to the Office Action that was mailed on January 15, 2004. Applicants gratefully acknowledge the Examiner's indication of allowable subject matter. Claims 1, 20, and 39 are amended to clarify that the stabilizer component in the present invention is more specifically described as an antioxidant. That this is the case is apparent from the disclosure, e.g. "... according to preferred embodiments of the present invention, the stabilizer is ascorbic acid. *Other* appropriate *antioxidants* ... may also be employed..." Specification, page 4, sixth full paragraph (emphasis supplied). Claims 3, 22, and 42 are amended to recite a preferred subgenus of antioxidant components, in accordance with disclosure in the sixth full paragraph on page 4 of the specification, and the dependencies of claims 8, 27, and 46 are adjusted accordingly. Claims 2, 21, and 41 are amended to recite the perlite carrier disclosed for instance in the second full paragraph on page 4 of the specification. Minor formal amendments are made to claims 5, 13, 24, 37, and 43. No new matter is introduced by this Amendment. Claims 1-50 remain in the application.

Claims 1-5, 7, 9-12, 16-24, 26, 28-30, 32, 33, 39-43, 45, 47, and 48 were rejected under 35 U.S.C. §102(b) as being anticipated

by US 5,468,450 (Michael). The rejection is respectfully traversed. Michael neither teaches nor suggests the antioxidant stabilizers (e.g., ascorbic acid) and enhancers (e.g., 6-methoxyquinoline) of the present invention. Accordingly, the Michael patent fails to anticipate the present invention.

Claims 13, 31, and 34-36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Michael. The rejection is respectfully traversed. The detector composition of the Michael patent, since it contains only tetramethylbenzidine (chromogen), cumene hydroperoxide (peroxide), and polyvinyl pyrrolidone (binder), is unreliable. Such compositions are unstable and provide false effects. Moreover, upon contact with animal fluids, the color produced migrates into neighboring beads, so that any color obtained is diffused. As pointed out above, Michael neither teaches nor suggests the antioxidant stabilizers (e.g., ascorbic acid) and enhancers (e.g., 6-methoxyquinoline) of the present invention. Furthermore, Michael fails to suggest the present composition including calcium carbonate or alumina (claims 13 and 34), application of the present composition in the form of a dry powder to particulate material (claim 31), application of the present composition in the form of a dry powder to moistened

particulate material (claims 34 and 35), or dissolution of the present composition in an alcohol and sodium hydroxide solution (claim 36). These claims do not simply require "inert materials" or "dry powder" or "spraying". Instead, each of these claims requires, first, a central composition that is neither taught nor suggested by Michael, and secondly, specific additional chemical entities (i.e., calcium carbonate, alumina, alcohol, sodium hydroxide) and/or specific processing techniques. In particular with regard to the methods, Applicants respectfully point out that application of dry detector composition (with no need for solvents) is not common practice. The *Boesch* decision does not relieve the Examiner of the responsibility for demonstrating that **all** of the features of **each** claim is within the expected skill of the art.

Claims 6, 14, 15, 25, 37, 38, 44, 49, and 50 were rejected under 35 U.S.C. §103(a) as being unpatentable over Michael in view of US 5,318,894 (Pugia). The rejection is respectfully traversed. To eliminate problems with ascorbic acid, Pugia adds metal ion complexes ( $\text{Fe}^{3+}$ ,  $\text{Co}^{3+}$ ). Column 11, lines 36-41. In contrast to the teachings of Pugia, and surprisingly (as kindly recognized by the Examiner on page 5 of the Office Action), the present inventors have discovered that an antioxidant such as ascorbic acid is a

necessary component of the detector composition, and provides stabilization against auto-colorization. It is respectfully submitted that Michael, even combined with Pugia, fail to suggest a detection composition that comprises at least (A) a chromogen, (B) a peroxide, (C) an enhancer, (D) an antioxidant, and (E) a binder.


Conclusion

Should there be any outstanding questions to be resolved in the present application, the Examiner is respectfully requested to contact Richard Gallagher (Reg. No. 28,781) at (703) 205-8008.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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